

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the
Commission's Own Motion to Consider the Line
Extension Rules of Electric and Gas Utilities.

Rulemaking 92-03-050

**ADMINISTRATIVE LAW JUDGE'S RULING
ON JOINT UTILITY RESPONDENTS' MOTION
TO STRIKE REBUTTAL TESTIMONY**

On October 9, 2001, the Joint Utility Respondents (JURs)¹ filed a motion to strike certain portions of the rebuttal testimony of Utility Design, Inc. (UDI), submitted on September 17, 2001. UDI filed a response on October 25, 2001. The JURs filed a reply on November 13, 2001.

I have reviewed the pleadings and conclude that the material in UDI's testimony, which is the subject to the motion to strike, is relevant only to the extent that it sets forth the basis for the UDI witnesses' disagreements with the opinions of the JURs witnesses' testimony that UDI seeks to rebut. The portions of UDI's rebuttal testimony at issue refer to matters outside the scope of this proceeding. Therefore, this testimony will not be received into evidence to establish the truth of the matters asserted. However, this testimony will be

¹ Southern California Edison Company, San Diego Gas & Electric Company, Southwest Gas Corporation, Pacific Gas and Electric Company, and Southern California Gas Company.

received only for the limited purpose of providing explanation and background to the UDI witnesses' opinions.

Therefore, **IT IS RULED** that:

1. The Joint Utility Respondents' October 9, 2001 motion to strike portions of the rebuttal testimony of Utility Design, Inc. is denied.

2. The evidentiary hearing on the three remaining issues in this proceeding will commence on January 22, at 10:00 a.m., at the Commission Courtroom, 505 Van Ness Avenue, State Office Building, San Francisco, California and continue through January 23 and 24, 2002, if necessary.

3. The parties should agree on the order of witnesses beforehand and bring to the hearing room 20 copies of each witness' prepared testimony marked-up to show the parts of the testimony stricken pursuant to my prior rulings.

Dated December 31, 2001, at San Francisco, California.

/s/ BERTRAM D. PATRICK

Bertram D. Patrick
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling on Joint Utility Respondents' Motion to Strike Rebuttal Testimony on all parties of record in this proceeding or their attorneys of record.

Dated December 31, 2001, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074 or TTY# 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.